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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,938	09/22/2003	Araks Z. Yeramyian	4332-12	1610

7590 08/08/2006

Robert B. Famiglio, Esquire  
Famiglio & Associates  
P.O. Box 1999  
Media, PA 19063

EXAMINER
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HALE, GLORIA M

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary****Application No.**

10/667,938

**Applicant(s)**

YERAMYAN ET AL.

**Examiner**

Gloria Hale

**Art Unit**

3765

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE and Amendment of 7-10-06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, lines 3-4, it is not clear as to whether a single strap is attached to the frontal portion apexes or if "each apex has a single strap attached thereto". The apex locations are not clearly claimed. The present recitation does not clearly describe the apes at each corner of the wider upper frontal portion. Applicant's invention includes an upper frontal portion with a wider top edge with an apex at each corner wherein each apex has a strap extending therefrom. The "lower apex" is being claimed on the "front panel". However, the crotch strap is attached to the lower apex of the tapered crotch region which is also shown in the figures as being triangular. Applicant's connector is a triangle and should be claimed as such. The term "substantially triangular" would cover other modified triangular shapes which is not applicant's invention. In order for the invention to properly fit and connect about the wearer the connector is to be triangular. In regard to claim 2 the straps as seen in figure 1 have not been clearly claimed. Claim 2 is unclear and appears to be incomplete. In claim 2 it appears that the first strap is the portion above 14 at the edge. However, it is not clear as to whether the strap of line 5 is the same as the second strap of line 9. As presently

claimed it only appears that the straps at the top edge of 14 that ends at the front panel apexes and the separate strap that end from the crotch apex are being claimed without the hip strap portions. Also in figure 2 it appears that the connection point is above the circumferential midline of the user's posterior and not below. Also the amendment does not appear to be correct in that the first strap is only the portion above 14 that ends at the front left and right apex and does not attach to the connector. Applicant must review the thong undergarment as seen in figure 2 and describe the entire garment and the appropriate straps 20 and 22 that are necessary to form the complete invention. The connector must also be claimed as being a triangular connector in order for the device to be complete and function. The strap connector appears to be located at the crevice of the buttocks. In regard to claim 3, line 2, "the wider, upper portion" was not previously described and does not have the proper antecedent basis. Only the wedge shape has been claimed. However, it is not clear as to how the wedge shape is placed on the wearer. The term "wedged shape" should actually read -- -wedge shaped- -. The claim should claim a wedge shaped front panel wherein the wedge shape includes an upper wide portion placed just below the wearer's waist and a narrower panel end extending below the wearer's crotch. The upper support straps should be claimed wherein they are each attached at each upper panel apex. The upper support straps have not been claimed as extending about the hips of the wearer to the back of the wearer. The present claim 3 is incomplete and the connection at the rear has not been properly claimed. The triangular connector of the invention which is a necessary component needs to be claimed as a triangle otherwise applicant is claiming more than

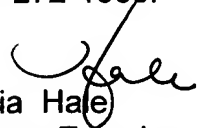
what they are entitled to which would include any connector with angled arms that provide the 120 degree attachment angle. The triangular connector as provided by applicant is the main part of applicant's invention and must be claimed as such. In regard to claim 4 the term "wedged shape" should be changed to - - wedge shaped- - .

Claims 1-4 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria Hale whose telephone number is 571-272-4984. The examiner can normally be reached on Tues.-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gloria Hale  
Primary Examiner  
Art Unit 3765